

HOUSE BILL REPORT

SSB 6609

As Reported by House Committee On:
Local Government

Title: An act relating to specialty agricultural structures.

Brief Description: Limiting the charge for permits for specialty agricultural buildings.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley, Rasmussen, Haugen, Jacobsen, Marr, Shin and Roach).

Brief History:

Committee Activity:

Local Government: 2/26/08, 2/28/08 [DP].

Brief Summary of Substitute Bill

- Establishes a \$75 maximum charge for building permits for qualifying agricultural buildings.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 6 members: Representatives Simpson, Chair; Takko, Vice Chair; Warnick, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Eddy and Nelson.

Minority Report: Without recommendation. Signed by 1 member: Representative Schmick.

Staff: Ethan Moreno (786-7386).

Background:

The State Building Code Council (Council) was created to provide analysis and advice to the Legislature and the Governor's Office on state building code issues. The Council establishes the minimum building, mechanical, fire, plumbing, and energy code requirements by reviewing, developing, and modifying the code provisions that comprise the state building code (SBC). The SBC describes the powers and duties of fire code officials and building

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officials and must be enforced by counties and cities. Subject to statutory limitations, local governments may amend the SBC as it applies within their jurisdiction.

Summary of Bill:

The permit charge that may be imposed under the SBC for specialty agricultural buildings constructed on a commercial agricultural operation may not exceed \$75. Specialty agricultural structures are those that are designed and constructed to house farm equipment, hay, grain, poultry, livestock, or other horticultural products. Human habitation, public use, and employment where agricultural products are processed, treated, or packaged are not permitted uses of a specialty agricultural building.

"Commercial agricultural operation" is defined as an operation that generates an average of at least \$10,000 gross income per year from the sale of agricultural products.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This bill passed the Senate without opposition. This bill is about keeping Washington competitive with neighboring states. Permit costs for specialty agricultural buildings in the state can cost thousands of dollars, and this is contrary to keeping Washington competitive. Many agricultural costs are incremental. If the Legislature keeps permit costs low, farmers will benefit.

There is precedent for establishing a flat permit fee for agricultural structures, as many jurisdictions in other states and Canada already do so. The bill will establish predictability with permit costs. The chicken industry in Washington has not expanded, partially because of permit costs for agricultural structures. If this bill is passed, farmers will add to property tax coffers with revenue from newly constructed structures.

(Opposed) This bill will impact counties. In Douglas County, a simple building with three inspections might require an inspector to drive 75 miles each way per inspection. The gasoline costs for the inspections will exceed \$75. Who will pay for the costs associated with the permits? In the case of counties, these costs will be paid from the General Fund. Seventy-five percent of county revenues are used for criminal justice costs. Establishing a maximum local fee through preemptive measures would not set good precedent.

There are specific statutory guidelines that must be followed by counties when establishing permit fees. Permit fees may not exceed the costs of issuing them. Lewis County is not

opposed to assisting farmers, but the appropriate mechanism for addressing permit fees is at the local level. Current law already allows local governments to alter permit fees for agricultural buildings. Building and planning departments are strapped for money. Establishing a flat fee is inappropriate, as it does not consider construction techniques, structural complexity, and other factors.

Persons Testifying: (In support) Senator Rasmussen; Representative Skinner; Jay Gordon, Washington State Dairy Federation; and Chris Cheney, Washington Fryer Commission.

(Opposed) Eric Johnson, Washington State Association of Counties; and Bob Johnson, Lewis County.

Persons Signed In To Testify But Not Testifying: None.